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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

CASE et al.

Serial No.: 09/941,450

Group Art Unit: 1631

Filing Date: August 28, 2001

Examiner: Shareill Coles

Title: GENE IDENTIFICATION

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The information listed below may be material to the examination of the above-identified application. Copies of the information and completed PTO-1449 forms are submitted herewith. The references that are of record, or have been submitted in related application serial number 09/395,448 from which the present application claims priority under 35 U.S.C. § 120 have not been submitted, pursuant to C.F.R. § 1.98(d). Copies of the references that are being newly submitted are included. The Examiner is respectfully requested to make this information of official record in the application. The information includes:

International Publication No. WO 00/42219 published July 20, 2000;

Bailey et al., "Analysis of EST-Driven Gene Annotation in Human Genomic Sequence," *Genome Research* 8:362-376 (1998);

Beerli et al., "Toward Controlling Gene Expression at Will: Specific Regulation of the *erbB-2/HER-2* Promoter by Using Polydactyl Zinc Finger Proteins Constructed from Modular Building Blocks," *Proc. Natl. Acad. Sci. U.S.A.* 95:14628-14633 (1998);

Birney et al., "PairWise and SearchWise: Finding the Optimal Alignment in a Simultaneous Comparison of a Protein Profile Against All DNA Translation Frames," *Nucleic Acids Research* 24(14):2730-2739 (1996);

- Burge et al., "Prediction of Complete Gene Structures in Human Genomic DNA," *J. Mol. Biol.* 268:78-94 (1997);
- Choo et al., "Toward a Code for the Interactions of Zinc Fingers with DNA: Selection of Randomized Fingers Displayed on Phage," *Proc. Natl. Acad. Sci. U.S.A.* 91:11163-11167 (1994);
- Choo et al., "In Vivo Repression by a Site-Specific DNA-Binding Protein Designed Against an Oncogenic Sequence," *Nature* 372:642-645 (1994);
- Claverie, Jean-Michel, "Computational Methods for the Identification of Genes In Vertebrate Genomic Sequences," *Human Molecular Genetics* 6(10):1735-1744 (1997);
- Dunham et al., "The DNA Sequence of Human Chromosome 22," *Nature* 402:489-495 (1999);
- Florea et al., "A Computer Program for Aligning a cDNA Sequence With a Genomic DNA Sequence," *Genome Research* 8:967-974 (1998);
- Galas, David J., "Making Sense of the Sequence," *Science* 291:1257-1260 (2001);
- Gelfand et al., "Gene Recognition Via Spliced Sequence Alignment," *Proc. Natl. Acad. Sci. U.S.A.* 93:9061-9066 (1996);
- Goodman, *Genome Technology* 52-55 (July 2001);
- Guigo et al., "An Assessment of Gene Prediction Accuracy in large DNA Sequences," *Genome Res.* 10:1631-1642 (2000);
- Haussler et al., *Trends Biochem Sci.* 23(suppl):12 (1998);
- Hou et al., "An Interleukin-4-Induced Transcription Factor: IL-4 Stat," *Science* 256:1701-1706 (1994);
- Kulp et al., "A Generalized Hidden Markov Model for the recognition of Human Genes, DNA," *ISMB* 4:134-142 (1996);
- Lewis et al., "Annotating Eukaryote Genomes," *Curr. Opin. Struct. Biol.* 10:349 (2000);
- Mott, Richard, "EST\_GENOME: A Program to Align Spliced DNA Sequences to Unspliced Genomic DNA," *Comput. Appl. Biosci.* 13(4):477-478 (1997);
- Neering et al., "Transduction of Primitive Human Hematopoietic Cells With Recombinant Adenovirus Vectors," *Blood* 88(4):1147-1155 (1996);
- Oligino et al., "Drug Inducible Transgene Expression in Brain Using a Herpes Simplex Virus Vector," *Gene Therapy* 5:491-496 (1998);
- Pavy et al., "Evaluation of Gene Prediction Software Using a Genomic Data Set: Application to Arabidopsis Thaliana Sequences," *Bioinformatics* 15(11):887-899 (1999);

- Burge et al., "Prediction of Complete Gene Structures in Human Genomic DNA," *J. Mol. Biol.* 268:78-94 (1997);
- Choo et al., "Toward a Code for the Interactions of Zinc Fingers with DNA: Selection of Randomized Fingers Displayed on Phage," *Proc. Natl. Acad. Sci. U.S.A.* 91:11163-11167 (1994);
- Choo et al., "In Vivo Repression by a Site-Specific DNA-Binding Protein Designed Against an Oncogenic Sequence," *Nature* 372:642-645 (1994);
- Claverie, Jean-Michel, "Computational Methods for the Identification of Genes In Vertebrate Genomic Sequences," *Human Molecular Genetics* 6(10):1735-1744 (1997);
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- Galas, David J., "Making Sense of the Sequence," *Science* 291:1257-1260 (2001);
- Gelfand et al., "Gene Recognition Via Spliced Sequence Alignment," *Proc. Natl. Acad. Sci. U.S.A.* 93:9061-9066 (1996);
- Goodman, "The Case of the Missing Genes," *Genome Technology* 52-55 (July 2001);
- Guigo et al., "An Assessment of Gene Prediction Accuracy in large DNA Sequences," *Genome Res.* 10:1631-1642 (2000);
- Haussler et al., *Trends Biochem Sci.* 23(suppl):12 (1998);
- Hou et al., "An Interleukin-4-Induced Transcription Factor: IL-4 Stat," *Science* 256:1701-1706 (1994);
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- Lewis et al., "Annotating Eukaryote Genomes," *Curr. Opin. Struct. Biol.* 10:349 (2000);
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- Pavy et al., "Evaluation of Gene Prediction Software Using a Genomic Data Set: Application to Arabidopsis Thaliana Sequences," *Bioinformatics* 15(11):887-899 (1999);

Reese et al., "Genie-Gene Finding in *Drosophila melanogaster*," *Genome Research* 10:529-538 (2000);

Rendahl et al., "Regulation of Gene Expression in vivo Following Transduction by Two Separate rAAV Vectors," *Nature Biotechnology* 16:757-761 (1998);

Solovyev et al., "The Gene-Finder Computer Tools for Analysis of Human and Model Organisms Genome Sequences," *ISMB* 5:294-302 (1997); and

Wang et al., "Positive and Negative Regulation of Gene Expression in Eukaryotic Cells With an Inducible Transcriptional Regulator," *Gene Therapy* 4:432-441 (1997).

This Information Disclosure Statement under 37 CFR § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

Respectfully submitted,

Date: Jan 10, 2002

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#### TRANSMITTAL LETTER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is an Information Disclosure Statement, including a Form PTO-1449 and copies of the cited references. It is believed that no fee is due.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.

Respectfully submitted,

Date: Jan 10, 2002

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